

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 2 and 3, 2008**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 2 and 3, 2008.

TUESDAY, SEPTEMBER 2, 2008 — 1:30 P.M.

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|-----|---------|--|
| (1) | S151402 | Save Tara v. City of West Hollywood (Waset, Inc., et al.,
Real Parties in Interest) |
| (2) | S154076 | Manco Contracting Co. v. Bezdikian |
| (3) | S155571 | People v. Arias (John) |

WEDNESDAY, SEPTEMBER 3, 2008 — 9:00 A.M.

- | | | |
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| (4) | S152822 | In re Charlis C. |
| (5) | S155944 | Goldstein v. Superior Court of Los Angeles County
(Grand Jury of the County of Los Angeles et al., Real Parties
in Interest) |
| (6) | S143710 | Vasquez v. State of California |

1:30 P.M.

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| (7) | S123133 | People v. Brendlin (Bruce) |
| (8) | S153964 | McDonald et al. v. Antelope Valley Community
College District |
| (9) | S146288 | People v. Concepcion (Ryan) |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
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SEPTEMBER 2 and 3, 2008**

FIRST AMENDED

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, SEPTEMBER 2, 2008—1:30 P.M.

(1) *Save Tara v. City of West Hollywood (Waset, Inc., et al., Real Parties in Interest)*, S151402

#07-187 *Save Tara v. City of West Hollywood (Waset, Inc., et al., Real Parties in Interest)*, S151402. (B185656; 147 Cal.App.4th 1091; Superior Court of Los Angeles County; BS090402.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case includes the following issue: Does an agreement between agencies that describes a proposal in detail but expressly withholds any commitment to a definite course of action and is conditioned upon compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) constitute “approval” of a “project” necessitating environmental impact review under the act?

(2) *Manco Contracting Co. v. Bezdikian*, S154076

#07-384 *Manco Contracting Co. v. Bezdikian*, S154076. (B182885; 151 Cal.App.4th 749; Superior Court of Los Angeles County; SC081737.) Petition for review after the Court of Appeal reversed the summary judgment in a civil action. This case presents the following issues: (1) Is a foreign money judgment final within the meaning of the Uniform Foreign Money-Judgments Recognition Act (Code Civ. Proc., § 1713 et seq.), even though an appeal of the foreign judgment is pending and the law of the foreign

jurisdiction provides that a judgment is not final there until the appeal has been resolved?

(2) What statute of limitations applies to an action to enforce a foreign judgment?

(3) *People v. Arias (John)*, S155571

#07-425 *People v. Arias (John)*, S155571. (A112810; 153 Cal.App.4th 848; Superior Court of Contra Costa County; 5-051079-2.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Does Health and Safety Code section 11366.8, which prohibits the possession or use of a “false compartment” in a vehicle for the purpose of storing, concealing, or transporting controlled substances, require an addition to or modification of the original factory equipment of the vehicle, as opposed to using the glove compartment or secreting contraband behind a panel in the vehicle?

WEDNESDAY, SEPTEMBER 3, 2008—9:00 A.M.

(4) *In re Charlisse C.*, S152822

#07-301 *In re Charlisse C.*, S152822. (B194568; 149 Cal.App.4th 1554; Superior Court of Los Angeles County; CK49216.) Petition for review after the Court of Appeal reversed an order disqualifying counsel in a dependency proceeding. This case presents the following issue: What standard should control disqualification of counsel from legal service agencies and public law firms in juvenile dependency proceedings due to successive representation of clients with potentially conflicting interests?

(5) *Goldstein v. Superior Court of Los Angeles County (Grand Jury of the County of Los Angeles et al., Real Parties in Interest)*, S155944

#07-413 *Goldstein v. Superior Court of Los Angeles County (Grand Jury of the County of Los Angeles et al., Real Parties in Interest)*, S155944. (B199147; 154 Cal.App.4th 482; Superior Court of Los Angeles County; BH004311.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Did the Court of Appeal err in permitting disclosure of grand jury materials “to avoid a possible injustice” (*Douglas Oil Co. v. Petrol Stops Northwest*

(1979) 441 U.S. 211, 222) although the disclosure was without “express legislative authorization” (*Daily Journal Corp. v. Superior Court* (1999) 20 Cal.4th 1117, 1125)?

(6) *Vasquez v. State of California*, S143710

#06-91 Vasquez v. State of California, S143710. (D045592; 138 Cal.App.4th 550; Superior Court of San Diego County; GIC740832.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Does the rule that, in order to receive attorney fees under Code of Civil Procedure section 1021.5, the plaintiff must first reasonably attempt to settle the matter short of litigation, apply to this case? (See *Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, 557; *Grimsley v. Board of Supervisors* (1985) 169 Cal.App.3d 960, 966–967.)

1:30 P.M.

(7) *People v. Brendlin (Bruce)*, S123133

#04-31 People v. Brendlin (Bruce), S123133. (C040754; 115 Cal.App.4th 206; Superior Court of Sutter County; CRF012703.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case includes one or more of the following issues: (1) When a car is subjected to a traffic stop, is a passenger in the car “seized” or “detained” within the meaning of the Fourth Amendment, so that the passenger may challenge the validity of the traffic stop in contesting the admissibility of evidence obtained from the passenger after the stop? (2) May a car that has expired registration tags but that also has a temporary registration permit be legally stopped to investigate the validity of the temporary permit? (3) Can a parolee subject to a search condition challenge his detention as invalid if police were not aware he was on parole at the time they detained him?

(8) *McDonald et al. v. Antelope Valley Community College District*, S153964

#07-365 McDonald et al. v. Antelope Valley Community College District, S153964. (B188077; 151 Cal.App.4th 961; Superior Court of Los Angeles County; BC304873.) Petition for review after the Court of Appeal affirmed in part and reversed in part a

summary judgment in a civil action. The court limited review to the following issue: In an employment discrimination action, is the one-year statute of limitations for filing an administrative complaint with the Department of Fair Employment and Housing set forth in Government Code section 12960 subject to equitable tolling while the employee pursues an internal administrative remedy, such as a complaint with the community college chancellor filed pursuant to California Code of Regulations, title 5, section 59300 et seq.?

(9) *People v. Concepcion (Ryan)*, S146288

#06-126 *People v. Concepcion (Ryan)*, S146288. (E036353; 141 Cal.App.4th 872; Superior Court of Riverside County; SWF004991.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Is a defendant who escapes from custody after trial commences voluntarily absent from trial, permitting trial to continue in his absence once he is rearrested and held in custody? (2) If such flight and rearrest does not constitute voluntary absence, is proceeding with trial in such circumstances subject to harmless error analysis, or is it a structural error requiring reversal?